

AMENDED IN ASSEMBLY APRIL 26, 2006

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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2720

Introduced by Assembly Member Spitzer

February 24, 2006

An act to amend Section 107155 of, and to add Section 106976 to, the Health and Safety Code, relating to radiologic technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, Spitzer. Radiologic technology.

Existing law requires any person who performs nuclear medicine technology to meet the standards of competence established by the State Department of Health Services. Nuclear medicine technology is defined to mean the technology applied under the supervision of a physician and surgeon or a licensed clinical bioanalyst, when performing in vitro procedures, that pertains to the utilization of radiopharmaceuticals for the diagnosis and treatment of disease in humans. Existing law exempts specified persons from these standards.

This bill would also exempt from these standards a person who holds a current, valid certificate in diagnostic radiologic technology and performs a positron emission tomography scan only on a dual mode machine on which both a nuclear medicine procedure, to include a positron emission tomography scan, and a computerized tomography scan may be performed if specified conditions are met. This bill would make the violation of these conditions a misdemeanor.

Existing law requires the State Department of Health Services to provide for the certification of radiologic technologists. Existing law

makes it unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in the state unless the person is certified as a radiologic technologist or is granted a permit by the department to conduct radiologic technology, as specified, is acting within the scope of the certificate or permit, and acts under the supervision of a licensee of the healing arts.

This bill would authorize a person who meets the standards of competence for the performance of nuclear medicine to perform a computerized tomography scan only on a dual mode machine on which both a positron emission tomography scan and a computerized tomography scan may be performed if specified conditions are met. This bill would make the violation of these conditions a misdemeanor.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 106976 is added to the Health and
2 Safety Code, to read:
3 106976. (a) Notwithstanding any other provision of the
4 Radiologic Technology Act (Section 27), a person who is
5 currently certified as meeting the standards of competence in
6 nuclear medicine technology pursuant to Article 6 (commencing
7 with Section 107150) may perform a computerized tomography
8 scan only on a dual mode machine on which both a nuclear
9 medicine procedure, to include a positron emission tomography
10 scan, and a computerized tomography scan may be performed if
11 both of the following conditions are met:
12 (1) The person holds a current, valid certificate in
13 computerized tomography issued by the American Registry of
14 Radiologic Technologists, or a similarly recognized organization,
15 or is a student described in subdivision (b) of Section 106975.

1 (2) The person is under the supervision of a person who is an
2 authorized user identified on a specific license authorizing
3 medical use of radioactive materials pursuant to the Radiation
4 Control Law (Chapter 8 (commencing with Section 114960) of
5 Part 9).

6 (b) A violation of this section is a misdemeanor pursuant to
7 Section 107170 and a violator is subject to discipline pursuant to
8 Section 107165.

9 SEC. 2. Section 107155 of the Health and Safety Code is
10 amended to read:

11 107155. (a) Any person not currently licensed as a physician
12 and surgeon pursuant to Chapter 5 (commencing with Section
13 2000) of Division 2 of the Business and Professions Code, or as
14 a clinical laboratory technologist, bioanalyst, or clinical chemist
15 pursuant to Chapter 3 (commencing with Section 1200) of
16 Division 2 of the Business and Professions Code, who performs
17 nuclear medicine technology shall be subject to the standards of
18 competence established by the department pursuant to this
19 article.

20 (b) Nothing in this article shall be construed to limit the
21 existing authority of, or scope of practice of, a physician and
22 surgeon, clinical laboratory technologist, bioanalyst, or clinical
23 chemist granted pursuant to their licenses, or to further require
24 persons to establish competence to perform in vitro tests.

25 (c) In vitro procedures using radioactive materials shall be
26 performed in a licensed clinical laboratory.

27 (d) This article shall not apply to any of the following
28 persons:

29 (1) Any person employed by an agency of the United States
30 government, while performing the duties of the employment.

31 (2) A licensed clinical laboratory technologist who
32 administers a radioactive marker test substance to a human
33 subject to perform a measurement on a sample containing the
34 radioactive marker test substance that has been removed from the
35 subject.

36 (3) A registered pharmacist who handles radioactive drugs in
37 accordance with the California State Board of Pharmacy
38 regulations contained in the most recent version of Sections
39 1708.3 to 1708.8, inclusive, of Article 2 of Chapter 17 of Title 16
40 of the California Code of Regulations.

1 (4) (A) A person who holds a current, valid certificate in
2 diagnostic radiologic technology pursuant to subdivision (b) of
3 Section 114870 may perform a positron emission tomography
4 scan only on a dual mode machine on which both a positron
5 emission tomography scan and a computerized tomography scan
6 may be performed if both of the following conditions are met:

7 (i) The person holds a current, valid certificate in positron
8 emission tomography issued by the Nuclear Medicine
9 Technology Certification Board, or a similarly recognized
10 organization, or complies with the regulations issued by the
11 department governing students of nuclear medicine technology in
12 order to obtain a current, valid certificate in positron emission
13 tomography issued by the Nuclear *Medicine* Technology
14 Certification Board.

15 (ii) The person is under the supervision of a person who is an
16 authorized user identified on a specific license authorizing
17 medical use of radioactive materials pursuant to the Radiation
18 Control Law (Chapter 8 (commencing with Section 114960) of
19 Part 9).

20 (B) A violation of this paragraph is a misdemeanor pursuant to
21 Section 107075 and a violator is subject to discipline pursuant to
22 Sections 107065 and 107070.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the
28 penalty for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition of a
30 crime within the meaning of Section 6 of Article XIII B of the
31 California Constitution.